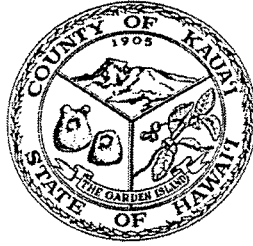


COUNTY COUNCIL

Jay Furfaro, Chair
Mason K. Chock, Sr., Vice Chair
Tim Bynum
Gary L. Hooser
Ross Kagawa
Mel Rapozo
JoAnn A. Yukimura



OFFICE OF THE COUNTY CLERK

Ricky Watanabe, County Clerk
Jade K. Fountain-Tanigawa, Deputy County Clerk


Telephone (808) 241-4188
Fax (808) 241-6349
Email cokcouncil@kauai.gov

Council Services Division
4396 Rice Street, Suite 209
Līhu'e, Kaua'i, Hawai'i 96766

MEMORANDUM

September 11, 2014

TO: Bernard P. Carvalho, Jr., Mayor

FROM: Jay Furfaro, Council Chair 

RE: **SEPTEMBER 10, 2014 COUNCIL MEETING RECAP**

This is to inform you of the action taken by the Council at its September 10, 2014 Council Meeting:

CONSENT CALENDAR:

C 2014-235 Communication (08/18/2014) from the Director of Finance, transmitting for Council consideration, proposed amendments to Ordinance No. B-2014-782, as amended, relating to the Capital Budget of the County of Kaua'i, for the Fiscal Year 2014-2015, to correctly redistribute funding sources between two (2) bond issuances for the Fuel Tanks Hanalei Baseyard project. *(Received for the Record.)*

C 2014-236 Communication (08/21/2014) from Council Chair Furfaro, transmitting for Council consideration and confirmation, the reappointment of Joseph K. Figaroa to the Public Access, Open Space, and Natural Resources Preservation Fund Commission (Anahola – Hā'ena) for the County of Kaua'i – Term ending 07/31/2017. *(Received for the Record.)*

C 2014-237 Communication (08/22/2014) from the Director of Finance, transmitting for Council consideration the following:

1. A proposed Bill for an Ordinance to amend Chapter 5A of the Kaua'i County Code 1987, as amended, relating to Real Property Taxes, to provide tax credits to taxpayers in the Homestead and Residential tax classes who received real property tax increases greater than five hundred dollars (\$500) for the 2014 tax year; extend the due date of the first half payment of real property taxes from August 20, 2014 to December 31, 2014 for all property owners that have current Home Use Exemptions; and retroactively waive the penalties and interest accumulated during this extended period, if any; and

2. Proposed amendments to Ordinance No. B-2014-781, as amended, relating to the Operating Budget of the County of Kaua'i, State of Hawai'i, for the Fiscal Year 2014-2015, to offset the estimated shortfall in real property taxes as a result of the proposed tax credits.

(Received for the Record.)

C 2014-238 Communication (09/02/2014) from Councilmember Kagawa and Councilmember Rapozo, transmitting for Council consideration, proposed amendments to Chapter 5A, Kaua'i County Code 1987, as amended, relating to Real Property Taxes, to reinstate the Permanent Home Use (PHU) Tax Limit, which will be retroactive for the 2014 tax year. ***(Received for the Record.)***

C 2014-239 Communication (09/02/2014) from Council Chair Furfaro, transmitting for Council consideration, proposed amendments to Chapter 5A, Kaua'i County Code 1987, as amended, relating to Real Property Taxes, to provide tax credits for low income households. ***(Received for the Record.)***

C 2014-240 Communication (09/03/2014) from Councilmember Hooser and Councilmember Bynum, transmitting for Council consideration, proposed amendments to Chapter 5A, Kaua'i County Code 1987, as amended, relating to Real Property Taxes, to provide for any claim for an exemption, Long Term Affordable Rental, or Home Preservation Tax Limit application for the 2015 tax year to be retroactively applied to the claimant's real property tax bill for the 2014 tax year; to provide for an owner to submit a new "Use Survey Form" to the Department of Finance, Real Property Assessment Division by December 31, 2014 for the 2014 tax year and to receive a tax credit in tax year 2015 as determined by the Director of Finance for property that was incorrectly designated a tax classification in tax year 2014; and waives all penalties and interest for any delinquent payment due to incorrect tax classification. ***(Received for the Record.)***

C 2014-241 Communication (09/03/2014) from Councilmember Hooser, transmitting for Council consideration, proposed amendments to Chapter 5A, Kaua'i County Code 1987, as amended, relating to Real Property Taxes, to allow for a property with multiple actual uses to be classified under each applicable tax classification based on the percentage of property dedicated to each use. ***(Received for the Record.)***

COMMUNICATIONS:

C 2014-242 Communication (08/18/2014) from the Executive on Transportation, requesting Council approval to receive, indemnify, and expend State of Hawai'i funds appropriated by the State Legislature through Act 122, Session Laws of Hawai'i (SLH) 2014, in the amount of \$600,000, to support the construction of public transportation bus stop shelters for the County of Kaua'i. ***(Approved.)***

C 2014-243 Communication (08/18/2014) from the Executive on Transportation, requesting Council approval to accept funds in the amount of \$24,300 from the developer of Waipouli CVS/Longs Drugs facility, KZ Development Company, for the purchase of two (2) public bus stop passenger shelters with photovoltaic lighting and bike racks, which will comply with project requirements to address serving the public transit needs of the area impacted. ***(Approved.)***

C 2014-244 Communication (08/21/2014) from the Director of Parks and Recreation, requesting Council approval to accept a donation of a skip of Base Line field marking material, valued at three hundred fifty dollars (\$350), from Mr. Joey Silva, Crop Production Services, Inc. *(Approved with a thank-you letter to follow.)*

C 2014-245 Communication (08/25/2014) from the Housing Director, requesting Council approval to decline the repurchase of Unit No. 706 in Ho'okena at Puhi, 2080 Manawalea Street, Līhu'e, Hawai'i, and grant the owner a one-year waiver of the buyback to allow a market sale by the owner. *(Approved.)*

C 2014-246 Communication (09/02/2014) from Councilmember Yukimura, requesting Council reconsideration of Bill No. 2549, Draft 1, relating to Real Property Taxes. *(Received for the Record.)*

LEGAL DOCUMENT:

C 2013-271 Communication (07/16/2013) from Ian K. Jung, Deputy County Attorney, recommending Council approval of a Grant of Pedestrian and Parking Easements relating to Kahuaina Plantation Subdivision (S-2007-02) and Kahuaina Plantation Subdivision Phase II (S-2009-15):

- Grant Of Pedestrian And Parking Easements; concerning real property identified as Lot 15-A (TMK (4) 5-1-003:006), Lot 15-D (TMK (4) 5-1-003:032) and Lot 15-K (TMK (4) 5-1-003:039)
(Deferred.)

CLAIM:

C 2014-247 Communication (08/28/2014) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Meredith Stuart Murphy, for personal damages and damage to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i. *(Referred to the County Attorney's Office for disposition and/or report back to the Council.)*

COMMITTEE REPORT: APPROVED.

RESOLUTION:

Resolution No. 2014-43 – RESOLUTION CONFIRMING COUNCIL REAPPOINTMENT TO THE PUBLIC ACCESS, OPEN SPACE, AND NATURAL RESOURCES PRESERVATION FUND COMMISSION (*Joseph K. Figaroa – Anahola – Hā'ena*) *(Approved.)*

BILLS FOR FIRST READING:

Proposed Draft Bill (No. 2553) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2014-782, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2014 THROUGH JUNE 30, 2015, BY REVISING THE AMOUNTS ESTIMATED IN THE BOND FUND (*Bond Fund – CIP, Fuel Tanks Hanalei Baseyard - \$9,755*) *(Approved on 1st reading, Public Hearing scheduled for 10/08/2014, and referred to the Finance & Economic Development (Tourism / Visitor Industry / Small Business Development / Sports & Recreation Development / Other Economic Development Areas) Committee.)*

Proposed Draft Bill (No. 2554) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAXES (*Real Property Tax Relief for the 2014 Tax Year*) (*Approved as Amended on 1st reading, Public Hearing scheduled for 09/24/2014, and referred to the Finance & Economic Development (Tourism / Visitor Industry / Small Business Development / Sports & Recreation Development / Other Economic Development Areas) Committee.*)

Proposed Draft Bill (No. 2555) – A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO. B-2014-781, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2014 THROUGH JUNE 30, 2015, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND (*Real Property Tax Relief Funding – \$750,000*) (*Approved on 1st reading, Public Hearing scheduled for 09/24/2014, and referred to the Finance & Economic Development (Tourism / Visitor Industry / Small Business Development / Sports & Recreation Development / Other Economic Development Areas) Committee.*)

Proposed Draft Bill (No. 2556) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAXES (*Reinstating the Permanent Home Use Tax Limit*) (*Approved on 1st reading, Public Hearing scheduled for 09/24/2014, and referred to the Finance & Economic Development (Tourism / Visitor Industry / Small Business Development / Sports & Recreation Development / Other Economic Development Areas) Committee.*)

Proposed Draft Bill (No. 2557) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAXES (*Low Income Tax Credit*) (*Approved on 1st reading, Public Hearing scheduled for 09/24/2014, and referred to the Finance & Economic Development (Tourism / Visitor Industry / Small Business Development / Sports & Recreation Development / Other Economic Development Areas) Committee.*)

Proposed Draft Bill (No. 2558) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAXES (*Retroactive Real Property Tax Measures and Extensions*) (*Approved on 1st reading, Public Hearing scheduled for 09/24/2014, and referred to the Finance & Economic Development (Tourism / Visitor Industry / Small Business Development / Sports & Recreation Development / Other Economic Development Areas) Committee.*)

Proposed Draft Bill (No. 2559) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAXES (*Tax On Use*) (*Approved on 1st reading, Public Hearing scheduled for 09/24/2014, and referred to the Finance & Economic Development (Tourism / Visitor Industry / Small Business Development / Sports & Recreation Development / Other Economic Development Areas) Committee.*)

BILL FOR RECONSIDERATION:

Bill No. 2549, Draft 1 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAXES (*Residential Investor Tax Classification Proposal*) (***Approved as Amended to Bill No. 2549, Draft 2.***)

BILL FOR SECOND READING:

Bill No. 2548, Draft 2 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAXES (*Time Share Tax Classification Proposal*) (***Approved as Amended to Bill No. 2548, Draft 3.***)

Thank you for following up as appropriate, including confidential routing to any appropriate parties, and please do not hesitate to contact me or Council Services Staff if you need further information. Please note that this memo presents a summary of the action taken, and reference should be made to the official minutes for a complete record.

cc: KCT Department Heads (*Via E-mail*)
KCT CCs (*Via E-mail*)
Council Services Staff (*Via E-mail*)